

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KIRT D. ROBINSON,

Plaintiff,

vs.

MR. NAGEL, et al.

Defendants.

3:13-cv-00422-MMD-WGC

**ORDER**

Plaintiff has commenced a civil rights action against several defendants, one of whom was identified as "Mr. Nagel." (Doc. # 4.)<sup>1</sup> In response to a court order, the defendant who has appeared in this action (Bobbi Paulsen) filed a notice which indicates the Washoe County Sheriff's Department has/had two employees with the last name "Nagel" or a variation of that name. (Doc. # 17.)

The Notice was filed under seal and was apparently not served on Plaintiff. The court had granted defendant leave to file a last known address for defendant Nagel under seal, but not the accompanying notice. Because Plaintiff was not provided the notice, Plaintiff was therefore not aware that Defendant advised the court that the individual Plaintiff most likely intended to sue was Deputy Eric Nagl (Doc. # 17 at 4, line 9.) The court does not perceive that Defendant's notice presents any confidentiality issues, except for the last known address for the individual known as Tom Nagel. (*Id.*, at 4, line 8.) Therefore, the court has this date entered a minute order which attaches a redacted copy of Defendant's notice, removing reference to the home address of Tom Nagel. (Doc. # 19.)

If Plaintiff desires to proceed against Eric Nagl, he shall **within twenty (20) days** of the date of

<sup>1</sup> Refers to court's docket number.

1 this Order file a motion to amend his action to substitute Eric Nagl for the individual named as  
2 "Mr. Nagel" in Plaintiff's complaint. If, however, Plaintiff elects instead to sue former Deputy Sheriff  
3 Tom Nagel, he may do so by filing a motion to amend, also **within twenty (20) days** of the date of this  
4 order. If Plaintiff effects a substitution, the court will thereafter issue the appropriate order to commence  
5 service upon the substituted party. If Plaintiff does not undertake any amendment, this action will not  
6 proceed against "Mr. Nagel" and this action will be dismissed, without prejudice, as to "Mr. Nagel."

7 In this court's order of October 16, 2014 (Doc. # 18), Plaintiff was advised that Shannon Howell  
8 was not a party to this case but was instead only named in another of Plaintiff's cases, 3:14-cv-00149-  
9 MMD-WGC. Plaintiff was advised that if he wanted to substitute Ms. Howell for the party he named  
10 as "Head Nurse Jane Doe I" in this action, he was required to do so within fourteen days of the court's  
11 order. (Doc. # 18 at 1.) To date, Plaintiff has undertaken no effort to amend his action. Therefore,  
12 Shannon Howell will not be identified or considered a Defendant in this action, and she is dismissed,  
13 without prejudice.<sup>2</sup>

14 **IT IS SO ORDERED.**

15 DATED: December 17, 2014

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17 WILLIAM G. COBB  
18 UNITED STATES MAGISTRATE JUDGE  
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27 <sup>2</sup> The court is aware of the pendency of Defendant Paulsen's Motion to Dismiss/Motion for Summary Judgment  
28 (Doc. # 8) and will be addressing it in the sequence of the myriad of similar motions filed in other § 1983 lawsuits.